

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

UMAÑA *et al.*

Appl. No.: 10/761,435

Filed: January 22, 2004

**For: Fusion Constructs and Use of Same
to Produce Antibodies With
Increased Fc Receptor Binding
Affinity and Effector Function**

Confirmation No.: 3728

Art Unit: 1633

Examiner: Burkhart, M.

Atty. Docket: 1975.0180003/TJS

Reply to Restriction Requirement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Restriction Requirement dated December 14, 2006, the period for reply having been extended one month by petition and payment of the appropriate fee, Applicants hereby provisionally elect to prosecute the invention of Group III, represented by claims 30-34, 65-95, 128, 129, 186-212 and 216-227. Applicants additionally elect β (1,4)-N-acetylglucoaminyltransferase III activity as the species of glycosyltransferase activity to be examined. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants reserve the right to pursue the non-elected claims in one or more divisional applications.

This election is made with **traverse**.

With respect to the Examiner's division of the claims into six groups and the reasons stated therefor, Applicants respectfully traverse for the reasons previously stated in the Reply to Restriction Requirement submitted August 14, 2006. At a minimum, Applicants submit that the claims of Groups I, II, and III are so related as to require that

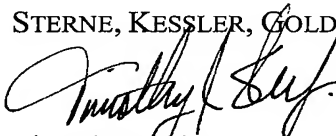
they be examined together. Furthermore, all of the claims can be examined without serious burden on the Examiner because a search of the art for the claims of Group III should find art relevant to the claims of any of the other Groups.

Reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Timothy J. Shea, Jr.
Attorney for Applicants
Registration No. 41,306

Date: February 14, 2007

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
567892v1